

REMARKS

Claims 1-54 are pending in the application. Independent claims 1, 21, 42, and 54 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

I. REJECTIONS OF CLAIMS 1-54 UNDER 35 U.S.C. §§ 102 AND 103

Claims 1-20, 22-40, 42-52, and 54 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,031,841 (Woundy). Claims 20, 41, and 53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of Woundy and U.S. Patent No. 6,510,162 (Fijolek). Applicants believe that all pending claims are allowable for at least the following reasons. Withdrawal of the rejection is respectfully requested.

Independent claims 1, 21, 42, and 54 have been amended herein to further clarify one of the aspects of the invention. The invention of claims 1, 21, 42, and 54 is directed to mechanism for sniffing data. Specifically, independent claim 1 recites "receiving a message at the cable head end from a cable modem or a message that is to be transmitted to a cable modem." Claim 1 further recites "when the received message meets the filtering criteria, copying the received message and sending the copied message to a memory device." Claim 1 requires, *inter alia*, "the received message includes payload." Other independent claims 21, 42, and 54 contain recitations similar to those of independent claim 1.

Support for the amendments is found at, for example, page 16, lines 3-13 referring to Fig. 4B, which illustrates the management message payload 456. As described at, for example, page 22, lines 21 - page 23, line 14 of the specification, according to a specific exemplary embodiment of the invention, the packet buffer 725a may include memory which is configured to store packets as the forwarding engine 721a performs its packet forwarding functions. When the received message meets a filtering criteria, the received message including payload is copied, and the copied message is sent to a memory device (e.g., for sniffing purposes).

The primary reference, the Woundy patent, was cited as describing "copying the received message and sending the copied message to a memory device." Applicants respectfully submit that the current independent claims further require that "the received message includes payload." The Woundy patent fails to teach or suggest the claimed received message *including payload*.

The Woundy patent generally relates to Resource Reservation Protocol (RSVP). The Office Action points out that the Woundy patent suggests storing the path state from the message (column 3, line 4). However, it is respectfully submitted that the path state extracted from a

message is not payload. Rather, those skilled in the art would interpret Woundy's path state as a part of a header portion of the received message.

The Woundy system is directed to packet scheduling occurred at a CMTS. In order to allow this, the system has only to store the path state to facilitate network resource allocation. See, Woundy, column 2, line 64 - column 3, line 40. It simply does not need to store the received message including payload just for resource allocation determination. In Woundy's context, storing payload would not facilitate its efficient resource allocation because payload itself is not relevant to packet scheduling done by the CMTS. Therefore, the Woundy cannot be said to anticipate the claimed invention at least in this regard.

The Fijolek patent has been carefully reviewed and found not to cure the deficiency of the Woundy patent.

The Examiner's rejections of the dependent claims are respectfully traversed. However to expedite prosecution, all of these claims will not be argued separately. Claims 2-20, 22-41, and 43-53 each depend either directly or indirectly from independent claims 1, 21, and 42 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to independent claims 1, 21, 42, and 54. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art. Withdrawal of the rejections is respectfully requested.

II. CONCLUSION

Applicants believe that all pending claims are in condition for allowance, and respectfully request a Notice of Allowance at an early date. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-663-1100, ext. 245.

Respectfully submitted,
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Limited Recognition under 37 CFR § 10.9(b)

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